



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/538,219

06/09/2005

Herbert Friedrich Boerner

DE 020314

9419

24737

7590

07/29/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

WILSON, MICHAEL H

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

1. The proposed amendment to the claims in the reply dated 21 July, 2008 will not be entered because the amended to claims 1 and 9 reciting hole conductive material would require further consideration and search given that such amendment narrows the scope of the claims. Previously the claims required any conductive organic material; the claims would now be limited to hole conductive organic material. Claim 12 would require further consideration under 35 U.S.C. 112, second paragraph, because it depends on a canceled claim.
2. However even if the proposed amendment in the reply dated 21 July, 2008 were entered, the prior art of record would remain applicable because Ise et al. disclose carbazole, imidazole and, triazole derivatives as hole transporting [0156] while the reference teaches such compounds, especially carbazole derivatives, as suitable for the host compound of the light-emitting layer.
3. Regarding applicant's argument that the host material of Ise et al. fails to describe a matrix of a conductive organic material comprising a light-emitting material having a metallo-organic complex compound as specifically claimed. The reference discloses a layer comprising a conductive organic material and organometallic light-emitting material (see light emitting layer of example 2, [0181]). While the reference does not refer to the host material of the light-emitting layer as a "matrix," the term host used by Ise et al. is a synonym for "matrix." Merriam Webster's Collegiate Dictionary defines matrix as "material in which something is enclosed or embedded" (definition 3b).

Ise et al. disclose the composition of the light-emitting layer as 1.0 to 10% by weight light-emitting material and 90 to 99.0% by weight host material [0154]. Therefore the light-emitting material can be understood as embedded in the host material.

4. Additionally Applicant argues that reliance on more than one reference is improper in a rejection under 35 USC 102(b). Case law holds that multiple references may be relied upon to demonstrate inherent properties not explicitly disclosed in the primary reference, see MPEP 2131.01. Further, Holmes et al. and Brown et al. were only used in response to applicant's arguments in order to support the examiner's position regarding singlet and triplet states of organic compounds.

5. The proposed amendments to claims 7, 8 and 16-18 in the reply dated 21 July, 2008 would overcome the claim objection if entered.

6. The proposed amendment to claim 15 in the reply dated 21 July, 2008 would overcome the rejected of claim 15 under 35 U.S.C. 112, second paragraph if entered.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL WILSON whose telephone number is (571) 270-3882. The examiner can normally be reached on Monday-Thursday, 7:30-5:00PM EST, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MHW

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794